

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TAMARA MCWILLIAMS; HENRY,
SHAMBRY, JR.; D. GRANT WALTER
and STEVEN ARMONY, individually
and on behalf of other persons
similarly situated,

02-CV-1426-JE

ORDER

Plaintiffs,

v.

PORTLAND PUBLIC SCHOOL DISTRICT
NO. 1J; MULTNOMAH COUNTY, OREGON;
PORTLAND BOARD OF EDUCATION;
MARC ABRAMS; LOLENZO POE; SUE
HAGMEIER; DERRY A. JACKSON, SR.;
DEBBIE GOLDBERG MENASHE; JULIA
BRIM-EDWARDS; KARLA WENZEL; and
JAMES SCHERZINGER,

Defendants.

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BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#81) on January 23, 2007, in which he recommended the Court grant Defendants' Motion for Summary Judgment (#56). Plaintiffs filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

This Court has carefully considered Plaintiff's Objections,

including Plaintiffs' contentions that the individual Defendants' actions in dismissing Plaintiffs without notice or pre-termination hearings is not legislative in nature. The Court concludes Plaintiffs' Objections do not provide a basis to modify the Findings and Recommendation.

This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation. The Magistrate Judge properly found these acts were legislative in nature, and, therefore, the individual Defendants are entitled to absolute immunity.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#81) and, accordingly, **GRANTS** Defendants' Motion for Summary Judgment (#56).

IT IS SO ORDERED.

DATED this 10th day of April, 2007.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge